

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Antoine Marquet Clemons,

Civ. No. 22-1198 (NEB/BRT)

Petitioner,

v.

ORDER

B. Eischen,

Respondent.

Antoine Marquet Clemons, FPC-Duluth, P.O. Box 1000, Duluth, MN 55814, pro se.

Ana H. Voss and Chad A. Blumenfield, U.S. Attorney's Office, 300 S. 4th St., Suite 600, Minneapolis, MN 55415, for Respondent B. Eischen.

IT IS HEREBY ORDERED that:

1. In light of Petitioner Antoine Marquet Clemons's payment of this action's filing fee (*see* Doc. No. 5), the Court **VACATES** its earlier Report and Recommendation (Doc. No. 4), which recommended this action's dismissal for failure to prosecute.

2. Respondent is directed to file an answer to Clemons's petition for a writ of habeas corpus, within 21 days of this Order's date, certifying the true cause and proper duration of Clemons's confinement and showing cause why the writ should not be granted in this case.

3. Respondent's answer should include:

- a. Such affidavits and exhibits as are needed to establish the lawfulness and correct duration of Clemons's incarceration, in light of the issues raised in the petition;

- b. A reasoned memorandum of law and fact fully stating Respondent's legal position on Clemons's claims; and
- c. Respondent's recommendation on whether an evidentiary hearing should be conducted in this matter.

4. If Clemons intends to file a reply to Respondent's answer, he must do so within 21 days of the date when the answer is filed. Thereafter, no further submissions from either party will be permitted, except as authorized by Court order.

Dated: June 14, 2022

s/ Becky R. Thorson
BECKY R. THORSON
United States Magistrate Judge